

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

AUGUST BAILEY	:	CIVIL ACTION
	:	
v.	:	No. 04-130
	:	
JO ANNE B. BARNHART	:	
Commissioner of Social Security	:	

ORDER

AND NOW, this 17th day of October, 2005, upon consideration of the Plaintiff's Motion for Summary Judgment (Document No. 7), the Defendant's Motion for Summary Judgment (Document No. 8), the Report and Recommendation of United States Magistrate Judge Carol S. Wells (Document No. 12), and after a thorough and independent review of the record, it is **ORDERED** as follows:

1. The Magistrate Judge's Report is **APPROVED** and her Recommendation is **ADOPTED**;
2. The plaintiff's motion for summary judgment is **GRANTED IN PART and DENIED IN PART**; and,
3. The defendant's motion for summary judgment is **DENIED**.
4. The decision of Commissioner of Social Security is **VACATED** and this case is **REMANDED** for further proceedings consistent with the Report and Recommendation.

/s/
TIMOTHY J. SAVAGE, J.